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CLERK OF SUPERIOR COURT
CLERK OF SUPERIOR S5364

## IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

In the Matter of:

REVISION OF CALENDAR

ASSIGNMENTS AND REVISION OF
CASE ASSIGNMENTS FOR THE
SUPERIOR COURT IN YUMA
COUNTY, ARIZONA AS OF
JANUARY 1, 2012

Administrative Order

2011-21

This Administrative Order supersedes and takes the place of all Administrative Orders regarding revision of Superior Court case assignments prior to January 1, 2012.

The Superior Court in Yuma County wants to maintain its effective caseflow management system. Case disposition statistics and best practices dictate that in order for the courts to maintain effective disposition of felonies, and to effect timely disposition of all other cases, that assignment of criminal, civil, domestic relations, juvenile, guardianship and conservatorship, probate, mental health, adoption, and other proceedings among the different Divisions/Commissioners of the Yuma County Superior Court be changed consistent with this Administrative Order.

further order of the Presiding Judge, assignments are made for the Judges and Commissioners of the Yuma County Superior Court as set forth below: Mark Wayne Reeves remains assigned to Division One; John Paul Plante remains assigned to Division Two; Larry Kenworthy remains assigned to Division Three; Judge Appointed to fill Andrew W. Gould's position will be assigned to John N. Nelson remains assigned to Division Five; Maria Elena Cruz remains assigned to Division Six; Kathryn Stocking-Tate remains assigned as Commissioner One; Denise D. Gaumont remains assigned as Commissioner Two; and Lisa W. Bleich remains assigned as Commissioner Three. IT IS ORDERED beginning January 1, 2012, and until further order of the Presiding Judge, the CRIMINAL CASE assignments shall be as follows: (1) All criminal cases currently assigned to the Honorable Mark Wayne Reeves, Division One and the Honorable Mark Wayne Reeves, Division Two, shall continue to be shall be assigned to Honorable Mark Wayne All criminal cases currently assigned to Division Two, the Honorable John Paul Plante, shall be reassigned to the Honorable Larry All criminal cases currently assigned to the Honorable Larry Kenworthy,

Division Three, shall continue to be assigned to the Honorable Larry

Kenworthy, Division Three.

- (4) All criminal cases currently assigned to the Honorable Andrew W.
  Gould, Division Four, shall be reassigned to the Honorable Lisa W.
  Bleich, Commissioner Three/Superior Court Judge Pro Tem.
- (5) All criminal cases currently assigned to the Honorable John N. Nelson, Division Two and the Honorable John N. Nelson, Division Five, shall be/shall continue to be assigned to Honorable John N. Nelson, Division Five.
- (6) All criminal cases currently assigned to the Honorable Maria Elena Cruz, Division Six, shall continue to be assigned to Honorable Maria Elena Cruz, Division Six.
- (7) All criminal cases currently assigned to the Honorable Lisa W. Bleich, Commissioner Three, Superior Court Judge Pro Tem, shall continue to be assigned to the Honorable Lisa W. Bleich, Commissioner Three/Superior Court Judge Pro Tem.

Effective May 7, 2001, all felony criminal complaints filed in justice court were ordered to be assigned to a Superior Court Division on a rotation basis in justice court as set forth in paragraphs numbered (1) and (2) below.

- "(1) The first felony complaint filed on Monday, May 7, 2001 shall be assigned to Division One. Thereafter, each felony complaint filed shall be assigned to the next sequentially numbered Division, e.g., Division Two, then Division Three, then Division Four, and starting over again with Division One.
- (2) Fugitive felony complaints shall not be assigned to a Superior

Court Division."

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IT IS ORDERED beginning January 1, 2012, all felony criminal complaints, including Fugitive felony criminal complaints, shall be assigned on a rotation basis in Justice Court with the division rotation for assignment of Superior Court Cases being, Division One, Division Three, Division Four, Division Six and Commissioner Three/Superior Court Judge Pro Tem.

In April, 2002, the Yuma County Attorney's Office instituted a policy of filing one complaint per defendant in Justice Court which resulted in co-defendants being assigned to separate Superior Court Divisions. In order for co-defendant cases to be assigned to the same Superior Court Division,

IT IS ORDERED that with cases filed beginning January 1, 2012, and until further order of the Presiding Judge, all felony criminal complaints filed in Justice Court shall continue to be assigned to a Superior Court Division as set forth above (Division One, Division Three, Division Four, Division Six and Commissioner Three/Superior Court Judge Pro Tem), and that co-defendant cases shall continue to be assigned to the same Superior Court Division. In order to facilitate this procedure, the Yuma County Attorney's Office shall continue to file a Notice of Filing Co-Defendant Complaints when filing co-defendant cases in Justice Court.

IT IS ORDERED as to cases filed beginning January 1, 2012, that if a criminal case originates in a manner other than by way of a felony complaint being filed in Justice Court, such as by way of a Direct Indictment, Lower Court Appeal, or Juvenile Transfer, the Clerk of the Superior Court shall assign those cases as follows:

(1) All numbered cases, the last two digits of which number end in 00 and01, to Division One;

- (2) All numbered cases, the last two digits of which number end in 02 and03, to Division Three;
- (3) All numbered cases, the last two digits of which number end in 04 and05, to Division Four;
- (4) All numbered cases, the last two digits of which number end in 06 and07, to Division Six; and
- (5) All numbered cases, the last two digits of which number end in 08 and09, to Commissioner Three.

IT IS ORDERED that all pending criminal cases with warrants outstanding that are currently assigned to the Honorable Mark Wayne Reeves, Division One; the Honorable Larry Kenworthy, Division Three; the Honorable John N. Nelson, Division Five; the Honorable Maria Elena Cruz, Division Six; and the Honorable Lisa W. Bleich, Commissioner Three/Superior Court Judge Pro Tem, shall remain as assigned to those divisions.

All pending criminal cases with warrants outstanding that are currently assigned to the Honorable John Paul Plante, Division Two, shall be reassigned to the Honorable Larry Kenworthy, Division Three.

All pending criminal cases with warrants outstanding that are currently assigned to the Honorable Andrew W. Gould, Division Four, shall be reassigned to the Honorable Lisa W. Bleich, Commissioner Three/Superior Court Judge Pro Tem.

All pending criminal cases with warrants outstanding that are currently assigned to the Honorable Mark Wayne Reeves, Division Two, shall be assigned to the Honorable Mark Wayne Reeves, Division One.

All pending criminal cases with warrants outstanding that are currently assigned to the Honorable John N. Nelson, Division Two, shall be assigned to the Honorable John N. Nelson, Division Five.

IT IS ORDERED beginning January 1, 2012, and until further order of the Presiding Judge, all Arraignments shall be heard by the Honorable Maria Elena Cruz, Division Six, on Mondays commencing at 8:30 a.m., unless the date and time is rescheduled by order of the court.

IT IS ORDERED beginning January 1, 2012, and until further order of the Presiding Judge, all Motions to Review Conditions of Release shall be heard before the assigned Judge/Division.

IT IS ORDERED all defendants placed into PROJECT S.A.F.E. program shall be assigned to the Honorable Maria Elena Cruz, Division Six.

IT IS ORDERED that all pleadings, minute entries, notices and orders filed by an interested party in a Superior Court case shall reflect, immediately beneath the case number, the Division number to which the case has been assigned.

IT IS ORDERED beginning January 1, 2012, that all criminal cases in which a defendant was originally sentenced by a judge who is active and sitting as designated in Division One, Division Two, Division Three, Division Four, Division Five and Division Six, or by Commissioner One, Commissioner Two or Commissioner Three, shall be assigned to that judge for all petitions for post-conviction relief proceedings.

IT ORDERED beginning January 1, 2012, that all criminal cases in which a defendant was originally sentenced by a Judge other than those as designated in Division One, Division Three, Division Four, Division Five, Division Six and

Commissioner Three, shall be assigned to divisions according to the numbering system set forth above. Such assignments shall include, but are not limited to, Petitions for Violation of Probation, Petitions for Restoration of Civil Rights, and Petitions to Modify Probation.

IT IS ORDERED beginning January 1, 2012, and until further order of the Presiding Judge, the administrative duties and responsibilities of calling and impaneling grand juries by the Superior Court in Yuma County, and hearings regarding grand jury presentments shall, in addition to the Presiding Judge, be assigned to the Honorable John Paul Plante, Division Two. The Honorable John Paul Plante, Division Two, shall assume the primary assignment of all matters pertaining to a grand jury requiring the attention of a Superior Court Judge in Yuma County.

IT IS ORDERED effective January 1, 2012, and until further order of the Presiding Judge, the regular criminal calendars (other than jury trials) shall be held as follows:

Division One: Tuesday--8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

Division Three: Thursday—8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

Division Four: Wednesday --8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

Division Five: Friday—8:30 a.m. and 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

Division Six: Friday—8:30 a.m. to Noon and 1:30 p.m. 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

Comm. Three: Wednesday --8:30 a.m. to Noon and 1:30 p.m. to 5:00 p.m. (PVCs/VOPs at 11:00 a.m.)

IT IS FURTHER ORDERED, beginning January 1, 2012, as to cases filed prior to January 1, 2012, and until further order of the Presiding Judge, the CIVIL CASE assignments shall be as follows:

- (1) All civil cases currently assigned to the Honorable Mark Wayne Reeves,
  Division One, shall be reassigned to the Honorable Larry Kenworthy,
  Division Three.
- (2) All civil cases currently assigned to the Honorable John Paul Plante,
  Division Two, shall remain assigned to the Honorable John Paul Plante,
  Division Two.
- (3) All civil cases currently assigned to the Honorable Larry Kenworthy, Division Three shall continue to be assigned to the Honorable Larry Kenworthy, Division Three.
- (4) All civil cases currently assigned to the Honorable AndrewW. Gould, Division Four, shall be reassigned to the Honorable LarryKenworthy, Division Three.
- (5) All civil cases currently assigned to the Honorable John N. Nelson, Division Five, shall continue to be assigned to the Honorable John N. Nelson, Division Five.
- (6) All civil cases currently assigned to the Honorable Maria Elena Cruz, Division Six; shall be reassigned to the Honorable John Paul Plante, Division Two.
- (7) All civil cases currently assigned to the Honorable Lisa W. Bleich,
  Commissioner Three, shall be reassigned to the Honorable John Paul

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Plante, Division Two.

IT IS ORDERED beginning with cases filed January 1, 2012, and until further order of the Presiding Judge, that the Clerk of the Superior Court shall assign civil cases as follows:

- (1) All numbered cases, the last two digits of which number when divided by four (4) result in a remainder of one (1), shall be assigned to Division Five.
- (2) All numbered cases, last two digits of which number when divided by four (4) result in a remainder of two (2), shall be assigned to Division Two.
- (3) All numbered cases, the last two digits of which number when divided by four (4) result in a remainder of three (3), shall be assigned to Division Three.
- (4) All numbered cases, the last two digits of which number when divided by four (4) result in a remainder of four (4), shall be assigned to Division Four.

IT IS ORDERED that beginning January 1, 2012, and until further order of the Presiding Judge, the PROBATE/GUARDIANSHIP CASE assignments shall continue to be assigned as follows:

- (1) All probate/guardianship cases currently assigned to the Honorable Mark Wayne Reeves, Division One, shall continue to be assigned to the Honorable Mark Wayne Reeves, Division One.
- (2) All probate/guardianship cases currently assigned to the Honorable John Paul Plante, Division Two, shall continue to be assigned to the

- Honorable John Paul Plante, Division Two.
- (3) All probate/guardianship cases currently assigned to the Honorable

  Larry Kenworthy, Division Three, shall continue to be assigned to the

  Honorable Larry Kenworthy, Division Three.
- (4) All probate/guardianship cases currently assigned to the Honorable

  Andrew W. Gould, Division Four, shall be reassigned to the Honorable

  Lisa W. Bleich, Commissioner Three/Superior Court Judge Pro Tem.
- (5) All probate/guardianship cases currently assigned to the Honorable John N. Nelson, Division Five, shall continue to be assigned to the Honorable John N. Nelson, Division Five.
- (6) All probate/guardianship cases currently assigned to the Honorable Maria Elena Cruz, Division Six, shall continue to be assigned to the Honorable Maria Elena Cruz, Division Six.
- (7) All probate/guardianship cases currently assigned to the Honorable Lisa W. Bleich, Commissioner Three/Superior Court Judge Pro Tem, shall continue to be assigned to the Honorable Lisa W. Bleich, Commissioner Three/Superior Court Judge Pro Tem.

IT IS ORDERED that beginning with cases filed January 1, 2012, and until further order of the Presiding Judge, the PROBATE/GUARDIANSHIP CASE assignments shall continue to be assigned as follows:

(1) All probate/guardianship cases shall be assigned on a rotation basis to the Honorable Larry Kenworthy, Division Three and to the Honorable, John N. Nelson, Division Five with all odd numbered cases being

- assigned to Division Three and all even numbered cases being assigned to Division Five.
- (2) Any probate/guardianship cases filed prior to January 1, 2012, that come on before the court for hearing or review after January 1, 2012, that are currently not assigned to The Honorable Mark Wayne Reeves, Division One, The Honorable John Paul Plante, Division Two, the Honorable Larry Kenworthy, Division Three, The Honorable John N. Nelson, Division Five, the Honorable Maria Elena Cruz, Division Six, or the Honorable Lisa W. Bleich, Commissioner Three/Superior Court Judge Pro Tem, shall be automatically assigned on a rotation basis to the Honorable Larry Kenworthy, Division Three and the Honorable John N. Nelson, Division Five, with all odd numbered cases being assigned to Division Three and all even numbered cases being assigned to Division Five.

IT IS ORDERED that beginning January 1, 2012, and until further order of the Presiding Judge, the MENTAL HEALTH CASE assignments shall be as follows:

- (1) All mental health cases filed beginning January 1, 2012, shall be assigned to the Judge appointed to replace the Honorable Andrew W. Gould, Division Four; and
- Any mental health cases filed prior to January 1, 2012, that come before the court for hearing or review after January 1, 2012, shall be automatically reassigned to the Judge Appointed to replace the

Honorable Andrew W. Gould, Division Four.

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IT IS ORDERED that effective January 1, 2012, and until further order of the Presiding Judge, the SEXUALLY VIOLENT PERSON CASE assignments shall be as follows:

- All civil cases where a petition has been filed seeking an order of the court to detain a person as a Sexually Violent Person pursuant to the Sexually Violent Persons Act, ARS §§36-3701 through 36–3716, shall be assigned to the Honorable Larry Kenworthy, Division Three; and
- (2) Any civil cases where a petition has been filed prior to January 1, 2012, seeking an order of the court to detain a person as a Sexually Violent Person pursuant to the Sexually Violent Persons Act, ARS §§36-3701 through 36-3716, that come before the court for hearing or review after January 1, 2012, shall be automatically reassigned to the Honorable Larry Kenworthy, Division Three.

IT IS ORDERED that effective January 1, 2012, and until further order of the Presiding Judge, the ADOPTION CASE assignments shall continue to be assigned as follows:

- (1) All adoption cases shall continue to be assigned on a rotation basis to the Honorable Kathryn Stocking-Tate, Commissioner One and to the Honorable Denise D. Gaumont, Commissioner Two with all odd numbered cases being assigned to the Honorable Kathryn Stocking-Tate, Commissioner One and all even numbered cases being assigned to the Honorable Denise D. Gaumont, Commissioner Two; and
- (2) Any adoption case filed prior to January 1, 2012, that comes on before the court for hearing or review after January 1, 2012, shall be

automatically assigned on a rotation basis to the Honorable Kathryn Stocking-Tate, Commissioner One and the Honorable Denise D. Gaumont, Commissioner Two, with all odd numbered cases being assigned to the Honorable Kathryn Stocking-Tate, Commissioner One, and all even numbered cases being assigned to the Honorable Denise

IT IS ORDERED that effective with all cases filed January 1, 2012, and until further order of the Presiding Judge, the ELECTION CONTEST assignments shall be as follows:

D. Gaumont, Commissioner Two.

- All "election contest" cases shall be assigned to the Honorable John N.
   Nelson, Division Five; and
- (2) Division Five of the Superior Court in Yuma County shall be designated the "election division" of the Superior Court in Yuma County.

IT IS ORDERED beginning January 1, 2012, and until further order of the Presiding Judge, **DOMESTIC RELATIONS CASES**, except Title IV-D cases addressed below, shall be assigned as follows:

- (1) All domestic relations cases filed beginning January 1, 2012, shall be assigned to the Honorable, John Paul Plante, Division Two;
- (2) All domestic relations cases filed prior to January 1, 2012, and currently assigned to the Honorable John Paul Plante, Division Two, shall continue to be assigned to the Honorable, John Paul Plante, Division Two;
- (3) All domestic relations cases filed prior to January 1, 2012, and currently

assigned to the Honorable Larry Kenworthy, Division Three, shall be reassigned to the Honorable Mark Wayne Reeves, Division One;

- (4) All domestic relations cases filed prior to January 1, 2012, and currently assigned to the Honorable Kathryn Stocking-Tate, shall be reassigned to the Honorable Mark Wayne Reeves, Division One;
- (5) All domestic relations cases filed prior to January 1, 2012, and currently assigned to the Honorable Lisa W. Bleich, Commissioner Three/Superior Court Judge Pro Tem, shall continue to be assigned to the Honorable Lisa W. Bleich, Commissioner Three/Superior Court Judge Pro Tem;
- (6) Any domestic relations cases, except Title IV-D cases addressed below, filed prior to January 1, 2012, that come on before the court for hearing or review after January 1, 2012, which are not assigned/reassigned to the Honorable John Paul Plante, Division Two, the Honorable Mark Wayne Reeves, Division One, the Honorable Five, the Honorable John N. Nelson, the Honorable Maria Elena Cruz, Division Six, or the Honorable Lisa W. Bleich, Commissioner Three, Superior Court Judge Pro Tem, shall automatically be assigned to the Honorable John Paul Plante, Division Two.
- (7) Any domestic relations cases that are currently assigned to the Honorable Andrew W. Gould, Division Four, shall be reassigned to the Judge that is appointed to fill the position in Division Four.
- (8) All Title IV(D) child support actions initiated beginning January 1, 2012, by the Arizona Attorney General's Office shall continue to be assigned

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to the Honorable Kathryn Stocking-Tate, Commissioner One; and

(9) Any Title IV(D) child support actions initiated prior to January 1, 2012, by the Arizona Attorney General's Office, that come before the court for hearing or review after January 1, 2012, and after, shall be automatically assigned to the Honorable Kathryn Stocking-Tate,

Commissioner One; and

(10) Any Title IV(D) cases assigned as set for above, that come before the court for hearing on some issue other than child support, and are not assigned/reassigned to the Honorable John Paul Plante, the Honorable Lisa W. Bleich, Commissioner Three/Superior Court Judge Pro Tem, or the Honorable Mark Wayne Reeves, Division One, shall be assigned to the Honorable John Paul Plante, Division Two for those contested issues. These hearings would include, but not be limited to, a visitation issue, a custody issue, or a change of custody issue.

IT IS ORDERED beginning January 1, 2012, and until further order of the Presiding Judge, all Title IV(D) child support actions initiated by the Arizona Attorney General's Office shall continue to be heard by the Honorable Kathryn Stocking-Tate, Commissioner One, on Thursdays commencing at 8:30 a.m..

IT IS ORDERED effective with all cases filed January 1, 2012, and until further order of the Presiding Judge, all order of protection hearings shall be heard by the Honorable John Paul Plante, Division Two.

IT IS ORDERED effective January 1, 2012, and until further order of the Presiding Judge, all domestic relations default actions shall be heard by the

Honorable Lisa W. Bleich, Commissioner Three/Superior Court Judge Pro Tem, on Monday afternoons at 1:30 p.m..

IT IS ORDERED effective January 1, 2012, and until further order of the Presiding Judge, that all cases in the Juvenile Division of the Yuma Superior Court shall continue to be assigned to the Honorable Kathryn Stocking-Tate, Commissioner One, and the Honorable Denise D. Gaumont, Commissioner Two.

IT IS ORDERED effective January 1, 2012, and until further order of the Presiding Judge, that all cases of the Adult Drug Court shall be assigned to Division One and Division Six. Division One Adult Drug Court shall be heard on Fridays at 3:00 p.m. and Division Six Adult Drug Court shall be heard on Mondays at 3:00 p.m.

Notwithstanding the foregoing judicial assignments, during the absence or unavailability of any Superior Court Judge/Commissioner, another Superior Court Judge/Commissioner may be substituted in his or her place.

IT IS ORDERED that Law and Motion Day shall continue to be the first working day of each week, with proceedings being held on that day unless otherwise set by the Judge assigned to a particular case.

DATED this \_\_\_ day of November, 2011

Honorable Andrew W. Gould Presiding Judge

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## Copies to: 1 Hon. Andrew W. Gould 2 Hon. Mark Wayne Reeves Hon. John Paul Plante Hon. Larry Kenworthy Hon. John N. Nelson Hon. Maria Elena Cruz Hon. Kathryn Stocking-Tate Hon. Denise D. Gaumont Hon, Lisa W. Bleich Hon. Gregory Stewart Hon. Jorge Lozano Hon. Cora Romine Hon. Lynn Fazz, Clerk of the Superior Court Margaret C. Guidero, Court Administrator Steve Hardy, Chief Adult Probation Officer 9 Tim Hardy, Director of Juvenile Court Services Jon Smith, Yuma County Attorney 10 Michael Breeze, Yuma Public Defender Jose de la Vara, Yuma Legal Defender 11 Ronald F. Jones, Conflict Administrator Sherri L. Williams, Caseflow Manager 12 Yuma County Bar 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28